

Chairman - Councillor W J Kemp

Present (for all or part of the meeting):-

Councillors:

C A Baron	A M Loughran
J A Barron	B McKeown
B M Cross	J A Nixon
E G R Jones	M Phillips
P W Jones	

Also present:-

Cabinet Members:

Councillor F Beatty - Economic Development and Planning Portfolio  
Councillor J M Pert - Community Portfolio  
Councillor C V Trowbridge - Leisure Portfolio

Councillor A T A Godfrey

Officers in attendance:-

Mr T Clegg	-	Chief Executive
Mr C Jordan	-	Interim Head of Development
Mr T Willis	-	Interim Head of Finance
Mr N Lakin	-	Information Systems Architect
Mr A Yendole	-	Strategic Planning and Placemaking Manager
Mr A Bailey	-	Scrutiny Officer

#### **EDP1 Minutes**

The Minutes of the last meeting held on 8 February 2022, as previously published on the Council's website, were submitted and signed.

#### **EDP2 Apologies**

Apologies for absence was received from Councillors R A James (Substitute P W Jones), R Kenney (Substitute B McKeown), D McNaughton (Substitute A M Loughran) and M Phillips.

## EDP3 Councillor Session

Councillor B McKeown submitted the following item for consideration by the Economic Development and Planning Scrutiny Committee in accordance with paragraph 2.7(c)(ii) of the Scrutiny Committee Procedure Rules:-

“At the present time, Stafford Borough Council S106 officers are obliged to consider applications for funding applications from S106 developer deposits in the chronological order in which developer contributions have been received.

Section 106 developer contributions are attached to specific planning application approvals and there is normally a ten-year time limit from the date of receipt of developer’s contribution for it to be spent, ideally on an appropriate project in the locality of the approved development. However, in reality, this means that viable small scale local projects are prevented from benefiting from banked S106 developer money if they are ‘behind’ in the queue of unspent developer contributions.

This system of chronological order for processing S106 applications for project funding is flawed because:

- (1) It prevents lower value projects (under £50,000) from being advanced;
- (2) It prevents local Borough Councillors from helping them engage with Parish Councils and community groups in their Ward to develop projects;
- (3) The chronological order of consideration runs the risk of projects being delayed to the point where the ten-year time limit expires;
- (4) The chronological order of consideration runs the risk of projects being hastily put together to avoid the ten-year time limit;
- (5) The chronological order of consideration runs the risk of locally generated S106 developer contributions being re-allocated beyond the local development area.

Furthermore, I have personally discovered that at least one S106 developer contribution was paid to Stafford Borough Council but was not properly recorded as being received or allocated to a planning approval.

My question to the members of the Economic Development & Planning Scrutiny Committee is:

- (i) To request an immediate review of the current ‘ruling’ to process applications for funding bids from S106 developer contributions in chronological order.
- (ii) Minimise officer time and resources by enabling viable projects (under £50,000) to be developed by local Parish Councils (or other

groups) for submission for S106 funds available in their locality via the approved submission template.

- (iii) Speed up the bid process by implementing a 90 day ‘turn around’ period to consider and respond to validated funding applications.”

The Cabinet Member (Leisure Portfolio) and the Interim Head of Development made the following response:-

- Thanked Councillor B McKeown for his involvement in helping to improve the process for considering projects funded by Section 106
- Explained the importance of establishing the process for those funds of Section 106 Agreements less than £50,000
- Confirmation that all Members had been sent a template regarding the potential projects for Section 106 monies
- The chronological order of consideration relates to the capacity of officers to process Section 106 projects following receipt of funds and to ensure that no monies were lost
- A description of the software system used to record, management and monitor Section 106 Agreements

In accordance with paragraph 2.7(f)(i) of the Scrutiny Committee Procedure Rules, at the conclusion of 10 minutes of the discussion on this matter, a motion was moved by Councillor A M Loughran, seconded by Councillor B McKeown, “that it being convenient and conducive to the conduct of business, the matter be considered further at this meeting”.

On being put to the vote, the motion was declared to be lost.

RESOLVED:- that in exercise of the powers delegated to the Committee, the Councillor Session Item be noted.

#### **EDP4 Section 106 Agreements - Update**

Considered the report of the Interim Head of Finance (**V3** 26/6/2022) that set out the findings of a review into Section 106 Agreements. The review assessed the current situation of Section 106 Agreements and how they were being registered, managed and monitored, and to ensure the most effective and efficient way to do this in the future, with a particular focus on the management and monitoring of Section 106 agreements with financial obligations.

The Committee discussed the following aspects of the report with the Cabinet Member (Economic Development and Planning Portfolio), the Cabinet Member (Leisure Portfolio), the Chief Executive, the interim Head of Finance, the Interim Head of Development and the Strategic Planning and Placemaking Manager:-

- The need for relevant services and staff to understand their Section 106 Agreement responsibilities and feel confident that they could be discharged
- Concern that funds via Section 106 Agreements were not being properly recorded and allocated
- The need to inform local Councillors of potential funds available through Section 106 Agreements
- Welcomed the inclusion of a third party (such as a Parish Council) to manage works and reduce officer time
- The reasons as to why an Audit of Section 106 Agreements had been postponed for several months and the potential impact upon their delivery
- The timetable in which to deliver projects through Section 106 Agreements and reasons for delays
- The potential to purchase a separate module for Exacom that would allow web-enabled public data viewing
- The need for transparency in the Section 106 Agreement process
- The need for Member Training on the Section 106 Agreement process
- The consideration of future monitoring and reporting needs
- The need to develop a plan to start to allocate the £3.2m
- The need to distinguish between the analysis of funds linked to Section 106 Agreements that were currently being undertaken by both the Resources Scrutiny Committee and the Economic Development and Planning Scrutiny Committee

RESOLVED:- that in exercise of the powers delegated to the Committee:-

- (a) the Interim Head of Finance be thanked for his report;
- (b) the report be noted.

## **EDP5 Quarter 4 Performance Reporting**

The Committee considered the performance management details for those areas within the remit of the Committee for the quarter 4 period up to 31 March 2022.

The Committee discussed the following aspects of the report with the Cabinet Member (Economic Development and Planning Portfolio), the Cabinet Member (Community Portfolio), the Chief executive and the Interim Head of Development:-

- 1.1.3 - Review all land ownership, maintenance and strategic car parking
- 1.2.2 - Work with Registered Providers, Developers and Homes England to deliver 210 affordable homes per year
- 1.2.3 - Improve and maintain performance of Development Management

- 1.3.6 - Stone Leisure
- 1.5.1 - Revise and refresh the Local Plan

RESOLVED:- that in exercise of the powers delegated to the Committee, the performance and financial management data relating to areas of activity within this Committee's remit be noted.

#### **RSC6 Business Planning Report**

The Committee considered the report of the Head of Law and Administration (**V1 26/4/22**) which presented Members with a review of the programme of business considered by the Committee in 2021/22.

The Committee noted that during the last Municipal Year they had considered a wide variety of issues that has helped to embrace its continuing role to ensure that the Council delivers sustainable economic and housing growth to provide income and jobs.

RESOLVED:- that in exercise of the powers delegated to the Committee, the report be approved and submitted as the Annual Report to the Council.

#### **EDP7 Work Programme - Economic Development and Planning Scrutiny Committee**

Considered the report of the Head of Law and Administration (**V1 15/6/2022**), which presented the Economic Development and Planning Scrutiny Committee's Work Programme for the forthcoming meetings up to February 2023.

The Committee discussed the following aspects of the Work Programme:-

- Section 106 Agreements Update
- High Street and Markets Update
- Stafford Station Gateway

RESOLVED:- that in exercise of the powers delegated to the Committee, the Work Programme be approved, subject to the additions made at the meeting.

CHAIR